

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

BKY No. 09-50779

Dennis E. Hecker,

Chapter 7

Debtor.

**NOTICE OF HEARING AND MOTION FOR ORDER
AUTHORIZING RULE 2004 EXAMINATIONS**

1. Randall L. Seaver, the Chapter 7 Trustee (the “**Trustee**”) in the above-referenced case, applies to the Court for authorization to conduct Bankruptcy Rule 2004 examinations of AOL LLC, Apple, Sprint (Blackberry), Yahoo! Inc. and Atomic Data Center and gives notice of hearing:

2. The Court will hold a hearing on this motion on November 12, 2009 at 11:00 a.m. before the Honorable Robert J. Kressel in Courtroom 8 West, 300 South Fourth Street, Minneapolis, Minnesota 55415, or as soon thereafter as counsel may be heard.

3. Any response to this motion must be filed and delivered no later than November 6, 2009 which is three (3) days before the time set for the hearing (excluding Saturdays, Sundays, and holidays), or filed and served by mail not later than November 2, 2009, which is seven (7) days before the time set for the hearing (excluding Saturdays, Sundays, and holidays). **UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**

4. This case was commenced as a voluntary Chapter 7 case on June 4, 2009. The case is now pending in this Court. This Court has jurisdiction over this application pursuant to 28 U.S.C. §§157 and 1334, Bankruptcy Rule 5005 and Local Rule 1070-1. This proceeding is a

core proceeding. This Application arises under Bankruptcy Rule 2004. This Application is filed under Local Rule 2004-1.

5. The entities for which Rule 2004 examination authority is sought are as follows and are expected to have the following information:

- a. AOL LLC – The Debtor uses this entity for e-mail.
- b. Apple – Christi Rowan uses this entity for e-mail.
- c. Sprint (Blackberry) – The Debtor uses this entity for e-mail.
- d. Yahoo! Inc. – Christi Rowan uses this entity for e-mail.
- e. Atomic Data Center – Debtor uses this entity for e-mail.

WHEREFORE, the Trustee requests that this Court enter an order pursuant to Bankruptcy Rule 2004 approving the Trustee's examination of AOL LLC, Apple, Sprint (Blackberry), Yahoo! Inc. and Atomic Data Center.

**LEONARD, O'BRIEN
SPENCER, GALE & SAYRE, LTD.**

/e/ Matthew R. Burton

Dated: October 19, 2009

By _____
Matthew R. Burton, #210018
Attorneys for Randall L. Seaver, Trustee
100 South Fifth Street, Suite 2500
Minneapolis, Minnesota 55402-1216
(612) 332-1030

VERIFICATION

I, Randall L. Seaver, the Trustee and moving party named in the foregoing notice of hearing and motion declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

Dated: October 19, 2009

/s/ Randall L. Seaver

Randall L. Seaver

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

BKY No. 09-50779

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Chapter 7

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UNSWORN CERTIFICATE OF SERVICE

I hereby certify that on October 19, 2009, I caused the following documents:

Notice of Hearing and Motion for Order Authorizing Rule 2004 Examinations and Order (proposed)

to be filed electronically with the Clerk of Court through ECF, and that the above documents will be delivered by automatic e-mail notification pursuant to ECF and this constitutes service or notice pursuant to Local Rule 9006-1(a).

I further certify that I caused a copy of the foregoing documents to be mailed by first class mail, postage paid, to the following:

SEE ATTACHED SERVICE LIST

/e/ Stephanie Wood

Dated: October 19, 2009

Stephanie Wood
100 South Fifth Street, Suite 2500
Minneapolis, MN 55402
(612) 332-1030

DENNIS E. HECKER
BKY CASE NO.: 09-50779
SERVICE LIST

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410761

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

BKY No. 09-50779

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ORDER FOR RULE 2004 EXAMINATIONS

This case is before the Court on the Motion of Randall L. Seaver, Trustee to allow him to conduct an examination pursuant to Federal Rule of Bankruptcy Procedure 2004 of AOL LLC, Apple, Sprint (Blackberry), Yahoo! Inc. and Atomic Data Center.

Based on the files and records,

IT IS HEREBY ORDERED: The Trustee, Randall L. Seaver, may examine AOL LLC, Apple, Sprint (Blackberry), Yahoo! Inc. and Atomic Data Center pursuant to Federal Rule of Bankruptcy Procedure 2004.

Dated: _____

Robert J. Kressel
U.S. Bankruptcy Judge

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